

Congress of the United States
House of Representatives
Washington, DC 20515-3202

November 2, 2022

President Joseph R. Biden Jr.
The White House
1600 Pennsylvania Avenue
Washington, DC 20500

Dear Mr. President,

We write to reiterate our immense concern with your administration's lack of progress on the development of a Continuity of the Economy (COTE) plan. As the Great Power Competition with Russia and China continues to unfold on the world stage, the United States faces cyber threats across all sectors of our economy from adversarial nations who seek to sow discord within the Homeland and reduce our ability to flow forces and project power. Given this reality, it is unfathomable that since you received the requirement to develop a COTE plan in January 2021, there appears to be little to no progress on the implementation of this authority.

The concept of a COTE plan was authorized by Congress in the National Defense Authorization Act for Fiscal Year 2021 (FY21 NDAA).¹ Section 9603 of the FY21 NDAA requires the President to “develop a plan to maintain and restore the economy of the United States in response to a significant event” [such as] “an event that causes severe degradation to economic activity in the United States due to a cyberattack or another significant event that is natural or human caused.” The law states the President must submit a plan in coordination with several cabinet officials “not later than 2 years after the date of enactment of this Act.”

Since the enactment of the FY21 NDAA, Congress has appropriated \$200,000 more than the president's FY22 budget request for the Cybersecurity and Infrastructure Security Agency (CISA) to develop a COTE plan. We are also aware that in the spring of 2022, the White House officially tasked CISA with leading the development of the COTE plan, almost 15 months after the law was passed by Congress.

As we approach the deadline for the submission of the COTE plan on January 1, 2023, I am concerned that there appears to be limited action taken by CISA to develop or implement this plan. The execution of this law requires a whole-of-government effort led by the Commander-in-chief. It is unfortunate that by waiting more than a year to task CISA with completing the plan, you have ultimately set them up to fail to meet the deadline set by Congress.

The development of the COTE plan is a national security imperative for the safety, security, and prosperity of the United States economy and American way of life. The interdependent nature of many of our Nation's lifeline sectors creates an opportunity for threat actors to exploit vulnerabilities

¹ William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021:
<https://www.congress.gov/116/bills/hr6395/BILLS-116hr6395enr.pdf>

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with the potential for cascading impacts across all sectors of our economy. As the Nation's risk advisor, CISA is uniquely positioned to analyze threats across all sectors and develop a plan of action in the event of a black sky day. While the private sector owns and operates the vast majority of our Nation's critical infrastructure, CISA plays a key role in maintaining strong partnerships with those owners and operators who will be crucial to implementing the COTE plan. The COTE plan should be developed expeditiously, implemented with industry, and exercised across sectors to ensure all stakeholders, both public and private, understand their unique role.

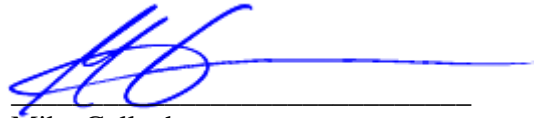
We understand effective execution of Section 9603 will require significant personnel and resources to fully analyze all aspects of risk across the U.S. economy. We also understand the legislation requires the creation of an updated plan every three years. We encourage your administration to work closely with us and our colleagues in Congress to help us understand the challenges to effectively completing the COTE plan.

We cannot afford to wait any longer to develop, implement, and exercise the COTE plan. We request a briefing from your administration on the progress you've made on the plan since the enactment of the FY21 NDAA.

Sincerely,



Andrew R. Garbarino
Member of Congress



Mike Gallagher
Member of Congress

cc:

The Honorable Jen Easterly
Director of the Cybersecurity and Infrastructure Security Agency

The Honorable Alejandro Mayorkas
Secretary of Homeland Security

The Honorable Christopher Inglis
National Cyber Director

Ms. Anne Neuberger
Deputy National Security Advisor for Cyber and Emerging Technology

Ms. Caitlin Durkovich
Senior Director for Resilience and Response, National Security Council